DETAILED ACTION

Response to Amendment

1.   This action is responsive to the Amendments filed March 12, 2008. Claims 1-19

and 24-28 are pending. Claims 1-3, 7, 8, 12-14, 16, 17 and 19 have been amended.

Claims 20-23 have been cancelled. Claims 24-27 are new.

2.   The amendments filed March 12, 2008 are sufficient to overcome the prior 35

U.S.C. 112 rejections of claims 1-23 and 35 U.S.C. 101 rejections of claims 20-23.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on April 18, 2005 has been

considered. The submission is in compliance with the provisions of 37 CFR 1.97.

Accordingly, the information disclosure statement is being considered by the examiner.

Terminal Disclaimer

4.   The terminal disclaimer filed on March 12, 2008 disclaiming the terminal portion

of any patent granted on this application which would extend beyond the expiration date

of any patent issuing from Application Serial Nos. 10/513,909 and 10/465,922 has been

reviewed and is accepted. The terminal disclaimer has been recorded.

EXAMINER'S AMENDMENT

5.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Christopher Ward (Registration Number 41,367) on May 5, 2008.

The application has been amended as follows:

In the Claims

20. (Cancelled)

21. (Cancelled)

22. (Cancelled)

23. (Cancelled)

24. (New) A computer readable medium having stored thereon program code for

causing a programmable computer or digital signal processor to perform the method of

claim 1.

25. (New) A machine readable data carrier having stored thereon program code

for causing a programmable computer or digital signal processor to perform the method

of claim 1.

26. (New) A computer readable medium having stored thereon program code for

causing a programmable computer or digital signal processor to perform the method of

claim 7.

27. (New) A machine readable data carrier having stored thereon program code

for causing a programmable computer or digital signal processor to perform the method

of claim 7.

Examiner's Comments: Claims 20-23 have been cancelled and new claims 24-

27 have been added based upon the telephone interview with Christopher Ward.

Allowable Subject Matter

6.   Claims 1-19 and 24-27 are allowed.

7.   The following is an examiner's statement of reasons for allowance:

8.   Deas et al. (US PGPub 2003/0014683) (hereinafter "Deas") teaches a receiver

with automatic skew compensation. Calculations are made to improve the bit error rate

versus channel and inherent register noise (Deas: Abstract). Deas deals with Gaussian

distributed noise (Deas: [0014]). Deas identifies the position in time at which the bit

error rate function is minimal by spreading samples in time which introduces delays

(Deas: [0098]). Deas does not teach the calculations involved in the current claim

limitations.

Claims are allowable over the prior art because the combination of limitations

which recite a method for testing a time delay error ratio ER of a device against a

maximal allowable time delay error ratio ER_{limit} with an early pass criterion, whereby the early pass criterion is allowed to be wrong only by a small first probability D_1, comprising the following steps: measuring ns time delays (TD) of the device, thereby detecting ne bad time delays, which exceed a certain time limit, of these ns time delays (TD), estimating a likelihood distribution giving a distribution of a number ni of bad time delays in a fixed number of samples of time delays (TD) as PD(ni, NE), wherein NE is the average number of bad time delays, obtaining PD_{high} from $D_1 = \int_0^{ne} PD_{high}(ni, NE_{high})dni$,

wherein PD_{high} is the worst possible likelihood distribution containing the measured ne bad time delays with the probability D_1, obtaining the average number NE_{high} of bad time delays for the worst possible likelihood distribution PD_{high}, comparing NE_{high} with NE_{limit} = $ER_{limit}*ns$, if NE_{limit} is higher than NE_{high} stopping the test and deciding that the device has early passed the test and if NE_{limit} is smaller than NE_{high} continuing the test whereby increasing ns and in the instance where the best possible likelihood distribution is considered is not found, taught, or suggested in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANET L. SUGLO whose telephone number is

(571)272-8584. The examiner can normally be reached on Mon, Wed, Thur, Fri from 6:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JANET L SUGLO/
Examiner, Art Unit 2857

                                   /Hal D Wachsman/
                                    Primary Examiner, Art Unit 2857